IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Writ Petition No.424 of 1997

Date of decision: 9.04.2007

Smt. Sita Devi **Petitioner**

Versus

State of H.P. and others. **Respondents**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud, J.
The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting ?[1] *No.*

For the Petitioner: **Mr. Lalit Sharma, Advocate.**

For the Respondents : **Mr. M.S. Chandel, Advocate General and Mr. Rajan Dewan, Addl. Advocate General.**

Dev Darshan Sud, J (oral).

The petitioner is aggrieved by the order dated 17.10.1997, passed by the learned Administrative Tribunal in O.A. No.1087 of 1997. The grievance of the petitioner is that having been appointed to work as a tailoring mistress, artificial breaks were being given in her service. Petitioner claims continuity and regularization in service.

The learned Administrative Tribunal after considering the material on record dismissed the original application. The petitioner has challenged the order by way of present writ petition.

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement***?Yes.

It has been submitted by the learned counsel appearing for the petitioner that during the pendency of the writ petition, petitioner's services have been regularized from 31.8.2006. This fact has not been disputed before us by the respondents. In these circumstances, the grievance of the petitioner does not survive.

The petitioner has prayed that she may be allowed to amend the petition to incorporate further relief in the nature of counting the service rendered by her from 1995 till her regularization towards pension and seniority and other benefits.

We have heard learned counsel for the parties. The regularization of her service furnishes a new cause of action to her. Under the circumstances, we reserve liberty to the petitioner to approach the Administrative Tribunal for whatever benefits which may be available to her in accordance with law pursuant to her regularization from 31.8.2006. The petition, when filed, will be considered in accordance with law and will not be rejected solely on the ground of limitation. The period spent by the petitioner in pursuing her remedy before this Court, shall be taken into consideration for the purpose of limitation.

The writ petition is disposed of in the aforesaid terms. There shall be no order as to costs.

(Dev Darshan Sud)
Judge

April 9, 2007 **(Rajiv Sharma)**
(ss) **Judge**